

FILED: December 27, 2011

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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No. 10-2029  
(3:09-cv-00262-MR)

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DAVID W. ALLEN; ROBERT M. COMINSKY, individually and on behalf of the Wachovia Savings Plan and all others similarly situated; ROSE HANSEN, individually and on behalf of all others similarly situated; JERRY R. KELLEY, JR.; DENISE A. TUTTLE, on behalf of herself and all others similarly situated; TODD A. WRIGHT, individually and on behalf of all other similarly situated; ALAN A. HARDMAN

Plaintiffs - Appellants

and

BARBARA PEGUES, individually and on behalf of the Wachovia Savings Plan and all others similarly situated; SHARON CREEL, individually and on behalf of the Wachovia Savings Plan and all others similarly situated; RICHARD F. DZIAK; MICHAEL WELCH, individually and on behalf of all others similarly situated; PETER J. ZEMAN, individually and on behalf of the Wachovia Savings Plan and all others similarly situated

Plaintiffs

v.

WACHOVIA CORPORATION; JOHN D. BAKER, II; DONALD M. JAMES; MACKAY J. MACDONALD; JOSEPH NEUBAUER; TIMOTHY D. PROCTOR; ERNEST S. RADY; VAN L. RICHEY; RUTH G. SHAW; LANTY L. SMITH; G. KENNEDY THOMPSON; DONA DAVIS YOUNG; BENJAMIN J. JOLLEY;

WELLS FARGO; BILL DAWSON; ROD HOOVER; BILL LANGLEY; JEFF MARTIN; ROBERT REID; SHARON SMART; CECE SUTTON; ROBERT K. STEEL; BEN WILLIAMS; THOMAS J. WURTZ; LARRY GILMER; PETER C. BROWNING; MARYELLEN C. HERRINGER; SHANNON MCFAYDEN; WILLIAM H. GOODWIN, JR.; JOHN T. CASTEEN, III; JEROME A. GITT; ROBERT A. INGRAM

Defendants - Appellees

and

WACHOVIA BANK NATIONAL ASSOCIATION; JAMES S. BALLHOUN; LLOYD U. NOLAND; JOHN C. WHITAKER, JR.; MANAGEMENT RESOURCES & COMPENSATION COMMITTEE BENEFITS COMMITTEE; WACHOVIA BENEFITS COMMITTEE; DOES 1-100; WALLACE MALONE; ROBERT J. BROWN; JASON T. WILLARD, on behalf of himself and all others similarly situated; WACHOVIA BOARD OF DIRECTORS

Defendants

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SECRETARY OF LABOR; AARP

Amici Supporting Appellant

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RULE 42(b) MANDATE

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This court's order dismissing this appeal pursuant to Local Rule 42(b) takes effect today.

This constitutes the formal mandate of this court issued pursuant to Rule 41(a) of the Federal Rules of Appellate Procedure.

/s/Patricia S. Connor, Clerk